

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JANE A. SHELLEY &
WILLIAM A. SHELLEY

06 CV 1289
(NGG) (AKT)

Plaintiffs,

NOTICE OF MOTION

-against-

ANTONIO I. BRANDVEEN

Defendant.

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, dated January 19, 2007, the Affirmation of Constantine A. Speres, dated January 17, 2007, the exhibits attached thereto, the Notice Pursuant to Local Rule 12.1 and all prior pleadings and proceedings herein, defendant, the Honorable Antonio I. Brandveen, Acting Justice of the Supreme Court of the of the State of New York, Nassau County ("Justice Brandveen"), by his attorney, Andrew M. Cuomo, Attorney General for the State of New York, will move this Court on a date to be determined by the Court before the Honorable Nicholas G. Garaufis, United States District Judge, at the United States Courthouse, located at located at 225 Cadman Plaza East, Brooklyn, New York 11201, for an order granting the defendant's motion to dismiss the amended complaint pursuant to Fed. R. Civ. P. 12 (b) (1) and (6) and for such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that opposing affidavits and answering memorandum, if any, must be served by February 9, 2007.

Dated: New York, New York
January 19, 2007

ANDREW M. CUOMO
Attorney General of the
State of New York
Attorney for Defendant
By:

/s Constantine A. Speres
CONSTANTINE A. SPERES (CAS-9100)
Assistant Attorney General
120 Broadway
New York, New York 10271
(212) 416-8567

To: William and Jane Shelley
Plaintiffs Pro Se
400 Atlantic Avenue
Freeport, New York 11520

DECLARATION OF SERVICE

CONSTANTINE A. SPERES pursuant to 28 U.S.C. § 1746,
declares under penalty of perjury as follows:

That on January 19, 2007, I caused the annexed Notice of
Motion for Summary Judgment and the Affirmation of Constantine A.
Speres with Exhibits to be served on:

William and Jane Shelley
Plaintiffs Pro Se
400 Atlantic Avenue
Freeport, New York 11520

by depositing a true and correct copies thereof, properly enclosed
in a postpaid wrapper for overnight delivery via Federal Express,
in a Federal Express Box maintained at 120 Broadway, New York, New
York 10271, directed to said person(s) at the address within the
State designated by them for that purpose and/or in accordance with
the Eastern District's Rules On Electronic Service.

/s Constantine A. Speres
CONSTANTINE A. SPERES

Executed On January 19, 2007